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HOUSE BILL 2750

By Winningham

AN ACT to amend Chapter 325 of the Private Acts of 1945; as amended by Chapter 335 of the Private Acts of 1968; Chapter 282 of the Private Acts of 1972; Chapter 23 of the Private Acts of 1973; Chapter 186 of the Private Acts of 1980; Chapter 93 of the Private Acts of 1983; Chapter 83 of the Private Acts of 1985 and Chapter 218 of the Private Acts of 1990; and any other acts amendatory thereto, relative to the charter of the City of Lafayette.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 325 of the Private Acts of 1945, as amended by Chapter 335 of the Private Acts of 1968; Chapter 282 of the Private Acts of 1972; Chapter 23 of the Private Acts of 1973; Chapter 186 of the Private Acts of 1980; Chapter 93 of the Private Acts of 1983; Chapter 83 of the Private Acts of 1985 and Chapter 218 of the Private Acts of 1990; and any other acts amendatory thereto is amended in Section 3 by deleting such section in its entirety and by substituting instead the following language:

Section 3. No person shall be eligible to hold the office of council member who is not twenty-one (21) years of age or over, and who has not been a resident of the City of Lafayette for at least two (2) years preceding the election in which such person is elected.

No person shall be eligible to hold the office of mayor who is not twenty-one (21) years of age or over, and who has not been a resident of the City of Lafayette for at least two (2) years preceding the election in which such person is elected.

Council members and mayors shall be elected by the qualified voters who have been residents of the City of Lafayette for thirty (30) days next preceding the city election. Candidates for mayor shall have a high school education as evidenced by a diploma or a general equivalency diploma (GED). The office of mayor shall be a full-time position and the mayor shall devote his full time and attention to the performance of his duties as head elected official of the City of Lafayette. The mayor shall receive, in addition to his salary herein set out, health insurance and travel expenses.

The mayor and six (6) council members shall constitute the city council. They shall be elected for four-year terms as hereinafter provided. The election shall be held the next Thursday after the fourth (4th) Monday in May of each even-numbered year. At the next election in May of 2000, three (3) council members shall be elected for four (4) year terms. In May 2002, three (3) council members shall be elected for four (4) year terms. The incumbents in office as of this act's effective date shall continue in office until the expiration of their terms and until their reelection or until successors are elected and qualified. The newly elected mayor and council members enter upon the duties of their offices at 10:00 a.m. on the next Thursday after the election. The regulations and manner of holding the elections shall be the same and in conformity with the elections of other offices of the State of Tennessee and in conformity to the rules and regulations governing general elections in force and effect in the State of Tennessee.

The mayor and council members shall take the following oath before entering the duties of their respective offices: "I do solemnly swear (or affirm) that I will support the constitution and laws of the United States, of the State of Tennessee and the charter,

the ordinances and resolutions of this municipality, and will faithfully discharge the duties of my office without fear or favor and alone for the public good, so help me God."

Whenever a vacancy arises in the city council, except for the mayor's position, such vacancy shall be filled by the city council until the next regular city election. Whenever there is a tie vote in an election for mayor or city council members, the existing city council shall by affirmative vote decide which of the candidates shall serve.

In case of vacancy in the office of mayor, unless such vacancy occurs twelve (12) months before the next city election, the city council shall call for a special election to be held to fill such vacancy. The city council shall fill the vacancy in the office of mayor pending the calling and holding of such special election.

Each council member shall receive as compensation forty-five dollars (\$45.00) per council meeting attended and twenty-five dollars (\$25.00) per committee meeting attended, as approved by the mayor.

No person who is a member of the immediate family of the mayor or of a council member shall be employed by the city. The immediate family shall include the mayor or council member's spouse, children, father, mother, brother, sister, or the spouse or children of such family members. The immediate family is further defined to include all in-law relationships and first cousins.

SECTION 2. Chapter 325 of the Private Acts of 1945, as amended, is further amended by deleting subsection (2) of Section 4 in its entirety and by substituting instead the following language:

(2) To elect a vice-mayor who shall have the powers and duties of the mayor during absence or disability.

The city council may approve compensation for the vice-mayor, if the vice-mayor serves more than thirty (30) days in succession, in case of vacancy in the office of mayor. The compensation shall be based on the number of hours worked.

SECTION 3. Chapter 325 of the Private Acts of 1945, as amended, is further amended by deleting Section 8 in its entirety and by substituting instead the following language:

Section 8. There shall be appointed by the mayor, subject to confirmation of the city council, a city judge; a city attorney; a city recorder, who may also be designated clerk of the city council and tax collector; an auditor or comptroller; a superintendent of water; a superintendent of gas; a chief of police and such day and night police officers as the council may provide by ordinance or resolution; a superintendent of streets; a superintendent of sewers; a chief of the fire department and members thereof; members of the park commission; and such other agents and employees as the city council by ordinance designate and provide. The filling of these offices and positions and duties of such offices are left within the discretion and determination of the mayor and city council.

The city council may, from time to time, as deemed advisable, employ an auditor or other expert for assistance, aid, advice or the construction of the undertaking of any municipal purpose or improvement. The compensation of officers, agents and advisors or assistants shall be fixed by the mayor and the city council.

SECTION 4. Chapter 325 of the Private Acts of 1945, as amended, is further amended by deleting, in Section 9, the last paragraph in its entirety, beginning with "The mayor shall receive as compensation" and by substituting instead the following language:

The mayor shall receive compensation of twenty-five thousand dollars (\$25,000) per annum payable in equal monthly installments from the general fund beginning the first Tuesday after the May 2000 city election. The mayor shall also receive health insurance and travel expenses.

SECTION 5. Chapter 325 of the Private Acts of 1945, as amended, is further amended by deleting Section 12 in its entirety.

SECTION 6. Chapter 325 of the Private Acts of 1945, as amended, is further amended by deleting Section 14 in its entirety.

SECTION 7. Chapter 325 of the Private Acts of 1945, as amended, is further amended by deleting Section 15 in its entirety and by substituting instead the following language:

Section 15. The mayor, with the approval of the city council, may employ an attorney, upon such terms and conditions as they may fix, at such times as such attorney's services may be required to oversee any special or general litigation.

SECTION 8. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Lafayette. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 9. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 8.